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Rick Rowe

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12/14/2010

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT

PAPER NUMBER

3684

NOTIFICATION DATE

DELIVERY MODE

12/14/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@wavsip.com

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/966,706 | <b>Applicant(s)</b><br>ROWE ET AL. |  |
|                              | <b>Examiner</b><br>Susanna M. Diaz   | <b>Art Unit</b><br>3684            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28-36 is/are pending in the application.
- 4a) Of the above claim(s) 28-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/24/10</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This final Office action is responsive to Applicant's amendment filed November 24, 2010.

Claim 36 has been amended.

Claims 28-35 remain withdrawn as being directed toward non-elected claims.

The restriction requirement has been made final.

Claim 36 stands rejected.

### ***Response to Arguments***

2. Applicant's arguments filed November 24, 2010 have been fully considered but they are not persuasive.

Applicant's arguments center around the assertion that Crevelt does not "teach or suggest a financial server, that is part of a gaming system, permitting a player, from at least one of a plurality of gaming terminals, to request at least one of the following actions: combine player personal accounts, open a new player personal account, and close out an existing player personal account." (Page 7 of Applicant's response) These contentions are unclear because, on the previous page (page 6) of Applicant's response, Applicant admits that "*Crevelt* relates to employing electronic funds transfer systems directly coupled to gaming machines for the purpose of obtaining player credit...A gaming machine includes apparatus necessary to send requests to and receive authorizations from an electronic funds transfer (EFT) system...In practice, the player inserts his or her ATM card (debit card), keys in a PIN number, requests playing

Art Unit: 3684

credit, and receives the preset amount of credit which can be converted to plays on the gaming machine... *Crevelt* discloses a gaming machine that allows a player to transfer funds **from a remote funds repository** (e.g., a bank) via an electronic funds transfer system and convert the transferred funds into plays on the gaming machine.” The fact that the electronic funds transfer system and the gaming terminals are utilized together to allow a user to convert funds into plays on the gaming terminals means that the financial server and gaming system can be seen as one large, interoperable system. The gaming system recognizes the user’s gaming funds balance, thereby indicative of a personal account being created within the gaming system. The gaming machine requests the equivalent of playing credits to be funded through the EFT system (*Crevelt*: abstract). The fact that this credit gets converted into a number of plays on a gaming machine means that multiple playing credits are charged through the EFT system at once. If the gaming system did not track these credits through some sort of personal player account, funds would need to be requested from the EFT system for each play at the gaming terminal; however, this is not the case. Also, *Crevelt* specifically says that the gaming machine interface may provide player tracking information and accounting information from the machine (col. 5, lines 35-40).

Regarding the limitation, “permitting a player, from at least one of a plurality of gaming terminals, to request *at least one* of the following actions: combine player personal accounts, open a new player personal account, and close out an existing player personal account,” only the capability of performing one of the listed actions needs to be provided. There is no explicit requirement that any of these actions be

Art Unit: 3684

performed within the scope of the claim. Nevertheless, the art rejection explains how Crevelt discloses a close out of an existing player personal account. As explained in the art rejection, "Winnings are settled when it is determined that the player has finished play at that particular gaming machine (see col. 10, lines 15-20), which means that a gaming terminal effectively closes out accounting for a given session of play at the end of the session, i.e., the equivalent of closure of an account occurs."

Applicant's arguments are not persuasive and the art rejection is maintained.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crevelt et al. (U.S. Patent No. 5,902,983) in view of Johnson (US 2001/0031663 A1) in view of Walker et al. (U.S. Patent No. 6,012,983).

Crevelt discloses a method comprising:

[Claim 36] generating, within a gaming system, a personal account comprising a financial account corresponding to a player, said personal account represented by at least one data file, said at least one data file adapted to contain financial information,

Art Unit: 3684

said gaming system comprising a plurality of gaming terminals, and a financial server in communication with each of said plurality of gaming terminals via a communication network (col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9; Col. 10, lines 15-47 discuss how player winnings may be returned to a designated remote funds repository by sending a credit instruction from the gaming terminal to the remote funds repository through the casino's LAN);

storing, on said financial server, financial information regarding monetary amounts belonging to the player which may be used to play a game at one of the plurality of gaming terminals (col. 5, lines 36-40 -- Each gaming machine may provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9);

automatically creating a data file for the player at the financial server when there is no data file associated with the player, wherein the created data file is matched with the player using a unique identifier associated with a remote financial institution (col. 8, lines 42-67; col. 9, lines 1-29 -- The player's financial account information is electronically accessed. When the player set up his/her account, a processing device must have automatically, i.e., through use of a machine/computer/processor, created a data file for the player since the player previously did not have his/her own data file for that account; Figs. 1, 2; col. 5, lines 17-45; col. 8, lines 42-61 -- Each gaming machine

Art Unit: 3684

may provide player tracking information and accounting information to an EFT system through a local area network. The EFT system, i.e., the financial transaction host, maintains player-related data; columns 9-10 – The casino may communicate with an external financial institution to conduct transactions with an account associated with the player. Such an external account identifier would be a unique identifier associated with an outside institution. Funds may be transferred between the player's internal casino account and outside financial institution account); and

with said financial server:

permitting a player, from at least one of the plurality of gaming terminals, to request *at least one* of the following actions: combine player personal accounts, open a new player personal account, and close out an existing player personal account (Winnings are settled when it is determined that the player has finished play at that particular gaming machine (see col. 10, lines 15-20), which means that a gaming terminal effectively closes out accounting for a given session of play at the end of the session, i.e., the equivalent of closure of an account occurs. Furthermore, process claims are defined by positively recited steps. The word "permitting" merely makes a capability of performing one of the recited functions available and does not require that either of the recited functions in this limitation actively be performed within the scope of the invention. Nevertheless, the concept of closing an account has been addressed based on a cited excerpt from Crevelt);

storing financial information regarding monetary amounts expended by a player in playing said one or more games (col. 5, lines 36-40 -- Each gaming machine may

Art Unit: 3684

provide player tracking information and accounting information to the local area network; col. 5, lines 45-52; col. 6, lines 3-9; col. 8, lines 18-61; col. 9, lines 58-65; col. 10, line 55 through col. 11, line 9; Col. 10, lines 15-47 discuss how player winnings may be returned to a designated remote funds repository by sending a credit instruction from the gaming terminal to the remote funds repository through the casino's LAN); and

determining player loss from said financial information (col. 3, lines 8-18);

determining an amount won from said financial information (col. 3, lines 8-18;

Col. 10, lines 15-47 discuss how player winnings may be returned to a designated remote funds repository by sending a credit instruction from the gaming terminal to the remote funds repository through the casino's LAN).

Regarding claim 36, Crevelt does not expressly teach the step of preventing said player from utilizing monetary amounts associated with said account to play said one or more games for at least a period of time if said determined player loss meets certain criteria. However, Johnson discloses the step of preventing said player from utilizing monetary amounts associated with said account to play said one or more games for at least a period of time if said determined player loss meets certain criteria (¶¶ 13, 17, 19, 23). This feature of Johnson helps to curb gambling problems as well as assist casinos (and other gambling/playing locations) in conforming to jurisdictional restrictions regarding gambling loss limits (¶¶ 10, 13, 17). Crevelt too is concerned with reasonably limiting the money spent by a player on gambling/gaming machines (col. 2, lines 18-28; 31-49; col. 4, lines 54-62), as evidenced by Crevelt's statements that the prior art "likely



Art Unit: 3684

will be unpalatable to at least some legislatures which regulate gaming” and that Crevelt addresses “a need for an EFT system that allows cashless transfers of funds to gaming machines and yet protects against rash decisions by some players to divert large amounts of their savings to gaming” (col. 2, lines 23-28). Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to modify Crevelt to perform the step of preventing said player from utilizing monetary amounts associated with said account to play said one or more games for at least a period of time if said determined player loss meets certain criteria in order to help curb gambling problems as well as assist casinos (and other gambling/playing locations) in conforming to jurisdictional restrictions regarding gambling loss limits (as suggested in both ¶¶ 10, 13, and 17 of Johnson and col. 2, lines 23-28 of Crevelt).

Crevelt does not explicitly disclose the step of storing a threshold win amount limit, above which subsequent play should be limited or the step of comparing the amount won to the win amount limit. However, Walker allows players to set a limit on winnings such that automated play is stopped if the winnings threshold is exceeded (Fig. 8B, col. 8, lines 15-33, 50-61). According to Walker, “there is provided a method and apparatus for automated play which permits a casino to recognize substantially increased play time, and hence revenue, from a gaming device. At the same time, the invention satisfies a player’s emotional desire to maximize his playing time on selected gaming devices, while accommodating the physical need to at times be away from the machines.” (Col. 2, lines 29-37) Both Crevelt and Walker are directed toward gambling

Art Unit: 3684

environments; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Crevelt to perform the step of storing a threshold win amount limit, above which subsequent play should be limited and the step of comparing the amount won to the win amount limit, as taught by Walker, in order to create an automated play environment "which permits a casino to recognize substantially increased play time, and hence revenue, from a gaming device [and at] the same time satisfy a player's emotional desire to maximize his playing time on selected gaming devices, while accommodating the physical need to at times be away from the machines" (as suggested in col. 2, lines 29-37 of Walker).

Regarding claim 36, the Examiner notes that there is very little integration among the recited steps. As seen in the cited references, the elements are all known even when not necessarily combined as claimed. The technical ability exists to combine the elements as claimed and the results of the combination are predictable. Furthermore, when combined, the elements perform the same function as they did separately, thereby further supporting the Examiner's assertions that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combine the aforementioned references to address the claimed invention as explained above.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3684

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna M. Diaz/  
Primary Examiner, Art Unit 3684